

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAVON JOHNSON,	:	
	:	
Plaintiff,	:	
	:	22-CV-9601 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
KENNETH REECE,	:	
	:	
Defendant.	:	
	:	
-----X		


VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on November 10, 2022, (Doc. 1), and filed an affidavit of service on November 30, 2022, (Doc. 6). The deadline for Defendant to respond to Plaintiff's complaint was December 8, 2023. (*See* Doc. 6.) On April 5, 2023, I directed Plaintiff to seek default judgment in accordance with my Individual Rules and Practices by no later than April 19, 2023. (Doc. 7.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss Plaintiff's claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) To date, Defendant has not appeared or responded to the complaint. On April 19, 2023, Plaintiff filed a deficient proposed certificate of default. (Doc. 8.) Plaintiff was notified of the deficiencies but has not taken any action to cure them.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: April 24, 2023  
New York, New York

  
VERNON S. BRODERICK  
United States District Judge